

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AVRAHAM GOLDSTEIN et al.,

Plaintiffs,

-v-

PROFESSIONAL STAFF CONGRESS/CUNY et al.,

Defendants.

22 Civ. 321 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

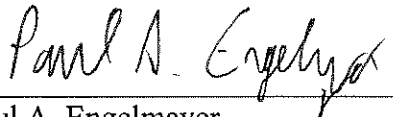
On March 28, 2023, the Court received a motion from plaintiff Avraham Goldstein (“Goldstein”) seeking attorneys’ fees and costs pursuant to 42 U.S.C. § 1988. Dkt. 114. As noted in the Court’s November 30, 2022 decision resolving defendants’ motions to dismiss, Goldstein accepted an offer of judgment under Federal Rule of Civil Procedure 68 as to his claim against the City on Count Three, for improper wage deductions. Dkt. 95 at 6. On March 16, 2023, after the Court’s decision, but before the pending motion for attorneys’ fees and costs, Goldstein (along with other plaintiffs) filed a notice of appeal in the Second Circuit of the Court’s November 30, 2022 decision. Dkt. 113.

The Court is prepared to resolve Goldstein’s motion for reasonable fees and costs, limited to those attributable to Count Three. The Court would do so on the premise that the Court’s rulings dismissing Goldstein’s claims on the principal counts, which alleged First Amendment violations, will be affirmed. Any ruling on the fees-and-costs motion would, of course, be without prejudice to Goldstein’s right to seek additional such relief in the event of an appellate reversal on Count One and/or Two leading to Goldstein prevailing on those claim(s).

Accordingly, the Court directs defendants to respond by April 12, 2023. Any reply from plaintiff is due April 19, 2023.

Separately, the Court grants Goldstein's motion to file under seal billing records with proposed redactions, which the Court has reviewed and approved. The Court expects that Goldstein will expediently file the redacted versions of these documents on the public docket.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: March 29, 2023
New York, New York